

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FIRST EVANGELICAL LUTHERAN  
CHURCH OF LINCOLN, NEBRASKA, a  
non-profit corporation;

Plaintiff,

vs.

BROTHERHOOD MUTUAL  
INSURANCE COMPANY, an Indiana  
company;

Defendant.

**4:23CV3180**

**FINAL PROGRESSION ORDER  
(AMENDED)**

This matter is before the Court on Defendant's motion to amend the final progression order. Filing No. 49. Plaintiff opposes the motion. See Filing No. 52. Having considered each party's position, the Court finds good cause to extend the deadlines as set forth herein. Specifically, Defendant showed due diligence in meeting case progression deadlines. The parties have been attempting to coordinate various depositions. Trial has not yet been set. The requested extension is short and the prejudice to Plaintiff is minimal, especially when considering the Court will afford Plaintiff an opportunity to provide a rebuttal expert disclosure.

Accordingly, Defendant's motion to amend, Filing No. 49, is granted. The final progression order, Filing No. 47, is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings set for July 22, 2025 is **continued** and will be held with the undersigned magistrate judge on **August 19, 2025 at 9:00 a.m.** by telephone. Counsel shall use the

conferencing instructions assigned to this case to participate in the conference.

- 2) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): Complete.

For the defendant(s): Complete.

- 3) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): Complete.

For the defendant(s): June 17, 2025.

Plaintiff(s)' rebuttal: July 17, 2025.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is August 1, 2025.

a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 10.

b. Depositions will be limited by Rule 30(d)(1).

- 5) The deadline for filing motions to dismiss and motions for summary judgment is September 10, 2025.

- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is September 10, 2025.

- 7) Motions in limine shall be filed twenty-eight days before trial. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a

showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

10) All deadlines not specifically amended herein remain unchanged.

IT IS ORDERED.

Dated this 28th day of May, 2025.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge